
CHAPTER 6

WORKPLACE VIOLENCE PREVENTION PROGRAM

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CHAPTER 6

WORKPLACE VIOLENCE PREVENTION PROGRAM

6.00 INTRODUCTION

Workplace violence (WPV) is an act or threat of violence that can range from threats and verbal abuse to physical assaults. WPV can occur at or outside the workplace where employees are engaged in work-related activities. California Labor Code Section 6400 requires every employer to provide a safe and healthy workplace for all employees.

This chapter explains the responsibilities of managers, supervisors, and employees to maintain a safe, secure and healthy work environment free of workplace violence.

6.01 PURPOSE

The WPV Prevention Program (WVPP) reduces the risk of WPV by educating managers, supervisors, and employees regarding what workplace violence is, as well as their responsibility to ensure a safe, secure and healthy work environment.

6.02 POLICY STATEMENT

It is Caltrans policy to conduct business, provide services, and protect its employees and the public from harm by providing a safe, secure and healthy environment that has zero tolerance for aggressive behavior, violence, threats, harassment, intimidation and/or weapons.

Zero tolerance means that any employee who commits a direct or indirect act of WPV, regardless of his/her actual intent, is subject to progressive disciplinary action up to and including termination.

6.03 RESPONSIBILITIES

The following outlines the individual responsibilities to ensure compliance with the provisions of the Caltrans WVPP.

Managers and supervisors shall:

- Create a positive work environment where all employees, contractors, and the public are treated with respect and consideration;
- Educate employees on health and safety policies, including zero tolerance for violence in the workplace and their responsibilities;

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- Encourage employees to report situations that may lead to violence;
 - Take seriously all reports of workplace violence;
 - Investigate all alleged WPV incidents;
 - Provide conflict resolution information to employees;
 - Provide prompt medical attention, if required;
 - Refer employees to the Employee Assistance Program (EAP) for available counseling services when necessary, and request Critical Incident Debriefings, if appropriate;
 - Initiate immediate and appropriate corrective actions for employees who cause a workplace violence incident;
 - Inform affected employees of the right to file a Workers' Compensation claim;
 - Use the Workplace Violence Prevention Self Assessment Checklist (obtained from your local Health and Safety Office) on an annual basis to aid in the prevention of incidents; and
 - Fill out the PMS-0015A for all reported workplace violence incidents.

**See Chapter 10 for information on the Workers Compensation claims process.*

Employees are responsible to:

- Act professionally and courteously at all times;
- Treat coworkers, the public, and contractors with respect and consideration;
- Report any aggressive, threatening or inappropriate/harassing or intimidating behavior to their supervisor immediately; and
- Report to their supervisor any situation that could potentially cause workplace violence.

The Headquarters, Office of Health and Safety is responsible to:

- Provide information to the Director regarding WPV incidents, and make recommendations to revise existing policies, procedures, or practices as may be necessary;
- Assist managers and supervisors with specific WPV incidents, when requested; and
- Input all WPV incidents into the Safety Information Management System (SIMS) database.

District Health and Safety Offices are responsible to:

- Maintain copies of all WPV reports in the Safety Office;
- Enter WPV information into the WPV database; and
- Ensure that a WVPP poster is posted in each Caltrans facility. This poster will contain emergency contacts and the names of individuals responsible for the WVPP at the facility.

6.04 DEFINITIONS

Act of Violence - An attempt, coupled with the ability, or actual use of force, to threaten, harass, intimidate, commit a violent injury, or to damage or destroy property.

Threat - A statement verbal, written or physical that is intended to intimidate by expressing the intent to either harass, hurt, or take the life of another person, or to damage/destroy property. This includes threats purportedly made in jest but that others could perceive as serious.

Harassment - The creation of a hostile work environment through unwelcome words, actions, or physical contact not resulting in physical harm. Verbal harassment may include disparaging or derogatory comments or slurs, unreasonable or excessive criticism, or name calling.

Intimidate - To make afraid, frighten, alarm, annoy, or scare. To force a person into or deter them from some action by inducing fear by, or as if by, threats.

Stalking - Stalking occurs when any person willfully, maliciously and repeatedly follows or harasses another and makes a credible threat with the intent to place that person in reasonable fear for their safety or the safety of their immediate family.

State Workplace - A State workplace shall be anywhere a State employee is conducting authorized State business, or en-route to and from (excluding normal commute) a location where State business is, will be, or has been, conducted.

6.05 TYPES OF WORKPLACE VIOLENCE

The three most common types of WPV are:

1. The perpetrator has no legitimate business relationship to the workplace and usually enters the workplace to commit a robbery or other criminal act.
2. The perpetrator is either the recipient or the object of a service provided by the affected workplace or victim. He/she can be a current or former customer, client, contractor, passenger, or student, etc.
3. The perpetrator has an employment-related involvement with the workplace. He/she can be a current or former employee, supervisor or manager; a current or former spouse or partner; a relative or friend; or some other person who alleges a dispute with an employee in the workplace.

The third type can also involve domestic violence, which is abusive behavior that is either physical, sexual, and/or psychological and used to maintain control over a domestic partner(s). This sometimes affects the workplace and may have the potential to become WPV.

Employees experiencing domestic violence are encouraged to notify their supervisor, and to contact EAP. Supervisors should also contact their District Security Coordinator or the Headquarters Statewide Office of Operations Security if they have been informed of or become aware of the issuance of a restraining order, police report, or other legal document from an employee. Appropriate steps should be taken to advise Security Officers to restrict access to the workplace to those individuals who may be a threat to employees and/or others.

6.06 WORKPLACE VIOLENCE WARNING SIGNS

The following are some, but are not limited to, WPV warning signs:

- Any aggressive behavior, such as harassment, intimidation, or bullying
- Unusual or changed behavior
- Disruptive behavior that interferes with or prevents work activities
- Obsession with weapons or past WPV incidents
- Threats, direct and/or indirect
- Poor coworker and/or supervisory relationships
- Physically touching another in an intimidating, malicious, or sexually harassing manner

If an employee demonstrates any or a combination of the above signs, managers and supervisors should refer the employee to EAP and discuss the situation with the District Human Resources Liaison or Headquarters Discipline Services.

6.07 DEFUSING VIOLENT BEHAVIOR

These techniques are recommended to defuse violent behavior, depending on the situation:

- Use a calm, non-confrontational approach
- Ask the person how you can help them
- Focus on their behavior, not the person
- Maintain a safe distance from the person
- Do not touch the person, argue with him/her, or make any aggressive movement; and
- If safe to do so, alert other persons in the area of the WPV incident and evacuate them from the area.

Call 9-911 or 911 in a situation that threatens human life and/or property, and requires immediate attention.

6.08 COMMUNICATION

The WVPP is designed to encourage a continuous flow of safety, health and security information between management and employees without fear of reprisal. Caltrans will communicate the WVPP policies and procedures through:

- New Employee Orientation (NEO) and Supervisors Training Program (STP);
- Safety meetings or annual reviews that include training and education on the WVPP;
- Posting and distribution of information relating to WPV; and
- Posting and distributing WPV prevention information

6.09 REPORTING WORKPLACE VIOLENCE

When a WPV incident occurs, the first person that becomes aware of it shall immediately notify someone in authority, (e.g., a supervisor, manager, security, personnel or the Health and Safety Officer. If it is safe to do so and the situation threatens life and/or property, call 9-911, the California Highway Patrol (CHP) or the appropriate local law enforcement.

If the above action has not already been taken, the supervisor or manager is responsible to contact the District or Headquarters Security Coordinator, Safety Officer, or to call 9-911, CHP or 911, or the appropriate law enforcement, if necessary.

6.10 INCIDENT INVESTIGATION AND DOCUMENTATION

Every WPV incident or allegation shall be reported to management and to the District or Headquarters Safety Office. All WPV incidents should be investigated by the first-line supervisor or appropriate management. The manager or supervisor will immediately take the appropriate actions as necessary, such as removing the person making the threats from the work area until the situation is resolved. For serious threats or acts of violence, Security and the CHP will be immediately called (including notification of bomb threats).

1. Any employees receiving a bomb threat should use the Bomb Threat form CT OEM-001 found at the end of this chapter. Record as much information as possible of the conversation with the caller.
2. Call 9-911 or 911 if there is a conflict or emergency situation or if someone is been seriously injured.
3. The supervisor or manager shall complete a Workplace Violence Incident Report Form (PMS-0015A) and give it to their WVPP coordinator or Safety Officer within two work days of the incident. These forms are available at the District Safety Office or online at: http://admin.dot.ca.gov/hr/HEALTHSAFETY/Safety/wvp/wvp_index.shtml.
4. The second-line supervisor shall review the findings in the report and assist in resolving the incident(s). The completed report shall be sent to the District or Headquarters Safety Office for input in the WPV Incident database (SIMS); and
5. Obtain any reports completed by law enforcement and attach them to the PMS-0015A (A sample is available at the end of this chapter).

6.11 INCIDENT RESPONSE ASSESSMENT TEAM

An Incident Response Assessment Team (IRAT) identified in each District and Headquarters will act as a resource to management on WPV issues. The IRAT is assembled at the directive of the Deputy District Director of Administration (DDDA). The purpose of the IRAT is to ensure that all WPV incidents are reported to the District Workplace Violence Coordinator appointed by the DDDA.

Members of the IRAT may include:

- Personnel Liaison
- Labor Relations
- Discipline Services
- District Safety Officer
- Employee Assistance (EAP) Coordinator
- Security Officer/Coordinator

6.12 RESOURCES

The following is a list of resources that may be used in the event of a WPV:

- Discipline Services
The Division of Human Resources Discipline Services staff is available to assist managers and supervisors in initiating appropriate corrective action to deal with employees responsible for creating workplace violence.
- Employee Assistance Program (EAP)
The EAP is an employee benefit to help employees and supervisors resolve problems that may affect work performance. Contact the EAP for assistance or the District or Headquarters EAP Coordinator for more information, or visit the EAP website at:
<http://admin.dot.ca.gov/hr/HEALTHSAFETY/Health/EAP/eap.shtml>
- Preventing Workplace Violence class for Supervisors
All supervisors and managers are mandated to attend this two-hour class on a one-time basis. Contact the Headquarters or District Health and Safety office or visit their website for more information.
- Security
The District or Headquarters Security Coordinator provides additional security, if necessary, by utilizing a Security Officer, the CHP, or local law enforcement personnel. For District information, contact the District Security Coordinator. For Headquarters, contact the Office of Statewide Operations Security at (916) 654-3210.
- State Employee Mediation Program
The State Employee Mediation Program (SEMP) provided by the State Personnel Board offers a voluntary, confidential collaborative problem-solving process to assist employees and supervisors in resolving workplace conflicts. Further information on SEMP is located at: http://admin.dot.ca.gov/hr/employee_info.shtml

Other resources that may play a role in addressing WPV issues are:

- Equal Employment Opportunity
- External Affairs (for media issues)
- Facilities Operations
- Audits and Investigations

6.13 APPENDIX

Forms to aid the supervisor or manager in reporting WPV incidents and employees receiving ***bomb threats*** are available at the following website:

http://admin.dot.ca.gov/hr/HEALTHSAFETY/Safety/wvp/wvp_index.shtml

- Workplace Violence Incident Report PMS-0015A

The Workplace Violence Incident Report form PMS-0015A is attached and also available on the Health and Safety Services website above;

- Bomb Threat PMS-0015C

This form may be used in the event that someone receives a suspicious package or a verbal or written threat. The form is available on the Health and Safety Services website above.